

EAG:DCP
F. #2015R00373

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

DIEGO ALVAREZ,
LUIS RAFAEL BERMEO ROMERO,
also known as "Rafael Alvarez," and
EVARISTO TOVAR,

Defendants.

- - - - - X

THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Commit Robbery)

1. On or about and between January 25, 2013 and February 13, 2015, both dates being approximate and inclusive, within the Eastern District of New York, the defendants DIEGO ALVAREZ, LUIS RAFAEL BERMEO ROMERO, also known as "Rafael Alvarez," and EVARISTO TOVAR, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit the robbery of armored cars in Queens, New York.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

FILED
CLERK

2015 MAR 11 PM 2:47

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

INDICTMENT

CR 15

102

(T. 18, U.S.C., §§ 924(c)(1)(A)(i),
924(c)(1)(A)(ii), 924(d)(1), 981(a)(1)(C),
1951(a), 2 and 3551 et seq.; T. 21, U.S.C., §
853(p); T. 28, U.S.C., § 2461(c))

GLASSER, J.

GOLD, M.J.

COUNT TWO
(Hobbs Act Robbery)

2. On or about January 25, 2013, within the Eastern District of New York, the defendants LUIS RAFAEL BERMEO ROMERO, also known as “Rafael Alvarez,” and EVARISTO TOVAR, together with others, did knowingly and intentionally obstruct, delay and affect commerce and the movement of articles and commodities in commerce by robbery, to wit: the robbery of an Ambro armored truck outside of PLS Check Cashers in Queens, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT THREE
(Unlawful Use of a Firearm)

3. On or about January 25, 2013, within the Eastern District of New York, the defendants LUIS RAFAEL BERMEO ROMERO, also known as “Rafael Alvarez,” and EVARISTO TOVAR, together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to one or more crimes of violence, to wit: the crimes charged in Counts One and Two, and did knowingly and intentionally possess said firearms in furtherance of such crimes of violence, one of which firearms was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT FOUR
(Hobbs Act Robbery)

4. On or about January 31, 2014, within the Eastern District of New York, the defendants DIEGO ALVAREZ, LUIS RAFAEL BERMEO ROMERO, also known as

“Rafael Alvarez,” and EVARISTO TOVAR, together with others, did knowingly and intentionally obstruct, delay and affect commerce and the movement of articles and commodities in commerce by robbery, to wit: the robbery of a Garda armored truck outside of an HSBC Bank in Queens, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT FIVE
(Unlawful Use of a Firearm)

5. On or about January 31, 2014, within the Eastern District of New York, the defendants DIEGO ALVAREZ, LUIS RAFAEL BERMEO ROMERO, also known as “Rafael Alvarez,” and EVARISTO TOVAR, together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to one or more crimes of violence, to wit: the crimes charged in Counts One and Four, and did knowingly and intentionally possess said firearms in furtherance of such crimes of violence, one of which firearms was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 2 and 3551 et seq.)

COUNT SIX
(Attempted Hobbs Act Robbery)

6. On or about and between January 16, 2015 and February 12, 2015, within the Eastern District of New York, the defendants LUIS RAFAEL BERMEO ROMERO, also known as “Rafael Alvarez,” and EVARISTO TOVAR, together with others, did knowingly and intentionally attempt to obstruct, delay and affect commerce and the

movement of articles and commodities in commerce by robbery, to wit: the robbery of a Garda armored truck in Queens, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE, TWO, FOUR AND SIX**

7. The United States hereby gives notice to the defendants DIEGO ALVAREZ, LUIS RAFAEL BERMEO ROMERO, also known as “Rafael Alvarez,” and EVARISTO TOVAR that, upon conviction of any of the offenses charged in Counts One, Two, Four and Six, the government will seek forfeiture, in accordance with (a) Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any property constituting or derived from proceeds obtained directly or indirectly as a result of such offenses; and (b) Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violation of any criminal law of the United States, including but not limited to one Stoeper Industries Llama 9mm handgun bearing serial number 980070, which was seized from the residence of defendant LUIS RAFAEL BERMEO ROMERO, also known as Rafael Alvarez in Queens, New York, on or about February 13, 2015.

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;

- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 924(d)(1) and 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS THREE AND FIVE**

9. The United States hereby gives notice to the defendants DIEGO ALVAREZ, LUIS RAFAEL BERMEO ROMERO, also known as “Rafael Alvarez,” and EVARISTO TOVAR that, upon their conviction of either of the offenses charged in Counts Three and Five, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 924, including but not limited to one Stoeper Industries Llama 9mm handgun bearing serial number 980070, which was seized from the residence of defendant LUIS RAFAEL BERMEO ROMERO, also known as Rafael Alvarez in Queens, New York, on or about February 13, 2015.

10. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL


FOREPERSON

LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. § 0.126

F. #2014R00223
FORM DBD-34
JUN. 85

No.

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.


*DIEGO ALVAREZ, LUIS RAFAEL BERMEO ROMERO, also known as
"Rafael Alvarez," and EVARISTO TOVAR,*

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(d)(1) 981(a)(1)(C),
1951(a), 2 and 3551 et seq.; T. 21, U.S.C., § 853(p); T. 28, U.S.C., § 2461(c))

A true bill.


Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

David C. Pitluck, Assistant U.S. Attorney (718) 254-6108